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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/525,230	03/14/2000	Jorgen Birkler	34650-00492USPT	7837
7590	01/14/2004			EXAMINER
Stanley R. Moore, Esq. Jenkins & Gilchrist, P.C. 1455 Ross Avenue Suite 3200 Dallas, TX 75202-2799			NALVEN, ANDREW L	
			ART UNIT	PAPER NUMBER
			2134	
			DATE MAILED: 01/14/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/525,230	BIRKLER ET AL.
	Examiner	Art Unit
	Andrew Nalven	2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 March 2000.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-65 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4_7.
- 4) Interview Summary (PTO-413) Paper No(s) _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

1. Claims 1-65 are pending.
2. Information disclosure statements received on 3/14/2000 and 10/13/2000 have been received and considered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-14, 16-22, 24-35, 37-41, 43-56, and 58-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomko et al US Patent No 5,712,912 in view of Weinstein et al US Patent No 4,453,074. Tomko discloses a method for handling PIN numbers using biometric techniques.

5. With regards to claims 1, 24, and 43, Tomko teaches the encrypting of data using a non-verifiable personal identifier (Tomko, Figure 6A, column 4 lines 6-8) and the storing of the encrypted data in memory (Tomko, Figure 6A, column 4 lines 8-11). The stored data can only be correctly decrypted using the non-verifiable personal identifier (Tomko, Figure 6B, column 4 lines 17-27). Tomko fails to teach the encrypting and storage of a reminder along with the data. Weinstein teaches the encryption of a

reminder (Weinstein, column 9 line 62 – column 10 line 1) and the storage of the reminder in memory (Weinstein, column 9 lines 64-65). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Weinstein's encrypted reminder because it offers the advantage of making it more difficult for a forger to perform cryptanalysis on the password or encrypted data (Weinstein, column 4 line 14 – column 5 line 2).

6. With regards to claims 2, 25, and 44, Tomko and Weinstein teach everything claimed above (see claim 1) and in addition teach the data being one or more personal identification codes (Tomko, column 3 lines 16-20, data is the PINs).

7. With regards to claims 3, 26, and 45, Tomko and Weinstein teach everything claimed above (see claim 1) and in addition teach the reminder being a user-identifiable code (Weinstein, column 4 lines 22-31).

8. With regards to claims 4, 27, and 46, Tomko and Weinstein teach everything claimed above (see claim 1) and in addition teach the non-verifiable personal identifier (biometric) not being stored in memory (Tomko, Figures 6A and 6B).

9. With regards to claims 5, 28, and 47, Tomko and Weinstein teach everything claimed above (see claim 4) and in addition teach the non-verifiable personal identifier being comprised of alphanumeric characters (Weinstein, column 11 lines 28-34).

10. With regards to claims 6-7, 29-30, and 48-49, Tomko and Weinstein teach everything claimed above (see claim 4) and in addition teach the non-verifiable personal identifier being comprised of an identifiable personal characteristic such as a human voice, fingerprint, or eye (Tomko, column 3 lines 16-20 and 51-56).

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11. With regards to claims 8, 31 and 50, Tomko and Weinstein teach everything claimed above (see claim 4) and in addition teach applying of the non-verifiable personal identifier against the stored encrypted data and the stored encrypted reminder so as to decrypt the stored encrypted data and reminder (Tomko, Figure 6B, column 4 lines 17-27 and Weinstein, column 9 line 62 – column 10 line 1).

12. With regards to claims 9, 17, 20, 51, 59, and 62, Tomko and Weinstein teach everything claimed above (see claim 8) and in addition teach the providing of the decrypted data (Tomko, column 4 lines 17-27).

13. With regards to claims 10-14, 32-35, and 52-56, Tomko and Weinstein teach everything claimed above (see claim 9) and in addition teach the data and reminder being displayed (Weinstein, column 8 lines 51-53 and column 10 lines 18-47).

14. With regards to claims 16, 37 and 58, Tomko and Weinstein teach everything claimed above (see claim 1) and in addition teach the applying of the another non-verifiable personal identifier against the stored encrypted data and the stored encrypted reminder so as to incorrectly decrypt the stored encrypted data and reminder (Tomko, Figure 6B, column 4 lines 17-27 and Weinstein, column 9 line 62 – column 10 line 1 and column 10 lines 26-33 and column 13 lines 48-51).

15. With regards to claims 18-19, 21-22, 38-41, 60-61, and 63-64, Tomko and Weinstein teach everything claimed above (see claim 17) and in addition teach the incorrect data and reminder being displayed (Weinstein, column 8 lines 51-53 and column 10 lines 18-47).

16. Claims 15, 23, 36, 42, 57, and 65 rejected under 35 U.S.C. 103(a) as being unpatentable over Tomko et al US Patent No 5,712,912 and Weinstein et al US Patent No 4,453,074 as applied to claims 8, 16, 31, 37, 50, and 58 above, and further in view of Davis et al US Patent No. 6,088,450. Tomko and Weinstein, as described above, fail to teach the waiting of a predetermined time before using a personal identifier for another decryption. Davis teaches the imposition of a time-delay for accessing resources (Davis, column 6, lines 20-25). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Davis' time delay method because it provides an increase in security to the conventional password based security system (Davis, column 1, lines 30-50 and lines 20-25).

Conclusion

17. Any inquiry regarding this communication from the examiner should be directed to Andrew Nalven at (703) 305-8407 during the hours of 7:15 AM – 4:45 PM Monday through Thursday. The examiner can also be reached on alternate Fridays.

In the event that attempts to reach the examiner are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (703) 308 – 4789.

Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(703) 872-9306 (for formal communications intended for entry)

Or:

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(703) 872-9306 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington, VA 22202, Fourth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the receptionist whose telephone number is (703) 305-
3900.

Andrew Nalven

ALN

Matthew Smithers
MATTHEW SMITHERS
PRIMARY EXAMINER
Art Unit 2137